

## FIFTY-EIGHTH DAY

(Monday, April 21, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gilmer
Allison	Goodman
Alsup	Halsey
Anderson	Hanna
Avant	Hardeman
Bailey	Hargis
Baker	Harris of Dallas
Bean	Harris of Hill
Benton	Hartzog
Blankenship	Heflin
Boone	Helpinstill
Brawner	Henderson
Bray	Hileman
Bridgers	Hobbs
Brown	Howington
Bruhl	Hoyo
Bullock	Huddleston
Bundy	Huffman
Burkett	Hughes
Burnaman	Humphrey
Carlton	Hutchinson
Carrington	Isaacks
Cato	Jones
Celaya	Kelly
Chambers	Kennedy
Clark	Kersey
Cleveland	Kinard
Coker	King
Colson, Mrs.	Klingeman
Connelly	Knight
Craig	Lansberry
Crossley	Lehman
Crosthwait	Leyendecker
Daniel	Lock
Davis	Love
Deen	Lowry
Dickson of Bexar	Lucas
Dickson of Nolan	Lyle
Dove	McAlister
Duckett	McCann
Dwyer	McDonald
Ellis	McGlasson
Eubank	McLellan
Evans	McMurry
Favors	McNamara
Ferguson	Manford
Files	Manning
Fitzgerald	Markle
Fuchs	Martin
Gandy	Matthews
Garland	Mills

Montgomery	Sharpe
Moore	Shell
Morgan	Simpson
Morris	Skiles
Morse	Smith of Bastrop
Murray	Smith of Atascosa
Nicholson	Spacek
Pace	Spangler
Parker	Stanford
Pevehouse	Stinson
Phillips	Stubbs
Price	Thornton
Rampy	Turner
Reed of Bowie	Vale
Reed of Dallas	Voigt
Ridgeway	Walters
Rhodes	Wattner
Roark	Weatherford
Roberts	Whitesides
Sallas	Winfree
Senterfitt	

## Absent—Excused

Allen	Little
Bell	Taylor
Donald	White
Howard	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, the heavens declare Thy Glory, and the firmament showeth Thy handiwork. We are prone to forget Thee, and to seek altogether after our own ways. Lord, Thou art the rock of our salvation, the hope of our state and of our land and of the world. Give us wisdom that we may serve the best interests of our State; and may patriotism be to each of us a life, and not a word. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. White for today on account of important State business, on motion of Mr. Bruhl.

Mr. Donald for today on account of important business, on motion of Mr. Hobbs.

Mr. Bell for today on motion of Mr. Morris.

Mr. Taylor for today on account of military service, on motion of Mr. McAlister.

Mr. Howard for today on motion of Mr. Morse.

The following Member was granted leave of absence, on account of illness:

Mr. Allen for today on account of death in his family, on motion of Mr. Markle.

RELATIVE TO HOUSE  
BILL NO. 640

Mr. Duckett was granted unanimous consent of the House to withdraw his name from House Bill No. 640.

RELATIVE TO STATE DEPARTMENT OF PUBLIC  
WELFARE

Mr. Phillips offered the following resolution:

H. S. R. No. 217, Relative to State Department of Public Welfare

Whereas, It has come to the attention of individual members of the House of Representatives that discrimination and high-handed tactics are being practiced by the Director of the State Department of Public Welfare in the investigation of applications for old age assistance; and,

Whereas, The said Director has refused to show proper consideration to members requesting information regarding applications filed for old age assistance and has been discourteous to members calling upon him in the interest of their constituents and has indicated that he is supreme in his direction in the administration of the old age assistance fund; and,

Whereas, The said Director refuses to give consideration to those cases which are in actual and dire need, which the law requires; and,

Whereas, It is the intention and desire of the House of Representatives that these cases be given prompt and careful consideration when called to his attention in order that relief may be afforded, but that said Director becomes indignant and resentful when such cases are called to his attention or are attempted to be discussed with him by the Members of the House of Representatives; Now Therefore Be It

Resolved by the House of Representatives, That it resolve itself into

a Committee of the Whole for the purpose of ordering J. S. Murchison of Navarro County, now residing in Travis County, Texas, to appear before the Committee of the Whole to answer the charges made, in his capacity as Director of the Department of Public Welfare and to produce any and all records that may be material to this investigation, and that said Committee of the Whole convene on the—day of April, 1941, at —o'clock,—. m.

PHILLIPS,  
HEFLIN,  
LANSBERRY,  
SPACEK,  
HOBBS,  
MANNING,  
KNIGHT,  
DUCKETT,  
CONNELLY,  
PRICE,  
GOODMAN,  
BEAN,  
HOWINGTON,  
RAMPY,  
BAILEY,  
GANDY,  
ROARK,  
DAVIS,  
KELLY,  
BENTON,  
JONES,  
McGLASSON,  
BURNAMAN,  
SHELL,  
KLINGEMAN,  
MILLS,  
CLARK,  
FILES,  
MURRAY,  
MATTHEWS,  
EVANS, .  
BAKER,  
HUTCHINSON,  
MONTGOMERY.

The resolution was read second time.

Mr. Hanna raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Phillips moved that the time allotted for the consideration of resolutions be extended until the above resolution is disposed of.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—68

Allison	Hutchinson
Avant	Isaacks
Bailey	Jones
Baker	Kelly
Benton	King
Boone	Klingeman
Bray	Knight
Brown	Lansberry
Burkett	Love
Burnaman	McLellan
Carlton	Manford
Carrington	Manning
Cato	Martin
Colson, Mrs.	Matthews
Connelly	Mills
Crossley	Montgomery
Davis	Moore
Dickson of Nolan	Morse
Duckett	Pace
Eubank	Phillips
Evans	Price
Ferguson	Reed of Dallas
Files	Ridgeway
Fuchs	Rhodes
Gandy	Roark
Halsey	Sallas
Harris of Dallas	Sharpe
Heflin	Skiles
Henderson	Smith of Bastrop
Hobbs	Spacek
Howington	Stinson
Huddleston	Thornton
Hughes	Voigt
Humphrey	Weatherford

## Nays—48

Alsup	Hoyo
Bridgers	Kennedy
Bruhl	Kersey
Bullock	Leyendecker
Chambers	Lock
Clark	Lucas
Coker	Lyle
Craig	McCann
Daniel	McDonald
Deen	McMurry
Dickson of Bexar	Markle
Dove	Morgan
Ellis	Morris
Favors	Murray
Fitzgerald	Nicholson
Gilmer	Parker
Hanna	Pevehouse
Hargis	Reed of Bowie
Harris of Hill	Roberts
Helpinstill	Senterfitt
Hileman	Simpson

Smith of Atascosa	Turner
Stanford	Whitesides
Stubbs	Winfree

## Absent

Bean	Kinard
Blankenship	Lehman
Brawner	Lowry
Bundy	McAlister
Celaya	McGlasson
Cleveland	McNamara
Crosthwait	Rampy
Dwyer	Shell
Garland	Spangler
Goodman	Vale
Hardeman	Walters
Hartzog	Wattner
Huffman	

## Absent—Excused

Allen	Howard
Anderson	Little
Bell	Taylor
Donald	White

### EXPRESSING APPRECIATION OF THE HOUSE OF REPRESENTATIVES

Mr. Skiles offered the following resolution:

H. S. R. No. 218, Expressing appreciation of the House of Representatives.

Whereas, On the evening of April 19 on the sizzling hot Gridiron of the Houston Salesmanship Club, Members of the Legislature and other "small fry" were given a well deserved toasting; and

Whereas, Those who were roasted and all those who attended will be better men for having been exposed in this friendly spirit; and

Whereas, This most enjoyable Gridiron Show was the climax to a weekend of splendid entertainment furnished through the courtesy of the City of Houston and its Salesmanship Club; and

Whereas, All those who attended highly enjoyed the trip and feel indebted to the Harris County Delegation, the City of Houston and especially the Salesmanship Club of Houston; now, therefore, be it

Resolved by the House of Representatives, That we express our appreciation to the Salesmanship Club of Houston, to the City of Houston and to the Harris County Delegation

for a most successful and happy weekend; and, be it further

Resolved, That copies of this resolution be mailed to the Salesmanship Club of Houston and to the Honorable Neal Pickett, Mayor of the City of Houston.

SKILES,  
KERSEY.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacs, Jones, Kelly, Kennedy, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurray, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Carlton the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

# RELATIVE TO HOUSE BILL NO. 941

Mr. Favors moved that House Bill No. 941 be withdrawn from the Committee on Appropriations and referred to the Committee of the Whole House.

Mr. Morris raised a point of order on further consideration of the motion by Mr. Favors at this time, on the ground that the routine motion period has expired.

The Speaker sustained the point of order.

Mr. Favors moved to suspend the Rules relative to the routine motion period for the purpose of making the above motion.

The motion to suspend the Rules prevailed by the following vote:

Yeas—98

Allison	Gandy
Avant	Garland
Bailey	Goodman
Baker	Hanna
Bean	Hargis
Blankenship	Harris of Dallas
Boone	Harris of Hill
Brawner	Helpinstill
Bruhl	Henderson
Bullock	Hileman
Burkett	Hobbs
Burnaman	Hoyo
Carrington	Huddleston
Cato	Hutchinson
Cleveland	Jones
Coker	Kelly
Colson, Mrs.	Kennedy
Connelly	Kersey
Craig	King
Crossley	Klingeman
Crosthwait	Knight
Daniel	Lehman
Davis	Lock
Deen	Lowry
Dickson of Bexar	Lucas
Dickson of Nolan	McCann
Dove	McGlasson
Duckett	McLellan
Ellis	McMurry
Eubank	McNamara
Evans	Manford
Favors	Manning
Ferguson	Martin
Fitzgerald	Matthews
Fuchs	Mills

Montgomery	Sallas
Moore	Senterfitt
Morgan	Sharpe
Murray	Simpson
Pace	Smith of Bastrop
Pevehouse	Spacek
Price	Stinson
Rampy	Stubbs
Reed of Bowie	Thornton
Reed of Dallas	Turner
Ridgeway	Voigt
Rhodes	Walters
Roark	Weatherford
Roberts	Whitesides

## Nays—36

Alsup	Isaacks
Benton	Lansberry
Bray	Leyendecker
Bridgers	Love
Brown	Lyle
Bundy	McAlister
Carlton	McDonald
Celaya	Markle
Clark	Morris
Files	Morse
Gilmer	Nicholson
Halsey	Parker
Hardeman	Phillips
Hartzog	Skiles
Heflin	Smith of Atascosa
Howington	Spangler
Hughes	Stanford
Humphrey	Vale

## Absent

Chambers	Shell
Dwyer	Wattner
Huffman	Winfree
Kinard	

## Absent—Excused

Allen	Howard
Anderson	Little
Bell	Taylor
Donald	White

Mr. Harris of Dallas moved to reconsider the vote by which the Rules were suspended for the purpose of making the above motion to re-refer House Bill No. 941 to the Committee of the Whole House.

Mr. Lucas raised a point of order on further consideration of the motion by Mr. Harris of Dallas on the ground that a motion to reconsider the vote by which the Rules of the House were suspended is out of order.

The Speaker overruled the point of order.

Mr. Kersey moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—90

Allison	Jones
Avant	Kennedy
Bailey	Kersey
Baker	King
Bean	Klingeman
Benton	Knight
Blankenship	Lock
Boone	Lowry
Bruhl	Lucas
Bullock	McCann
Burkett	McGlasson
Burnaman	McLellan
Carrington	McMurry
Cato	McNamara
Colson, Mrs.	Manford
Connelly	Manning
Craig	Martin
Crossley	Matthews
Crosthwait	Mills
Daniel	Moore
Davis	Morgan
Dickson of Bexar	Murray
Dickson of Nolan	Pace
Dove	Pevehouse
Duckett	Price
Ellis	Rampy
Eubank	Reed of Bowie
Evans	Ridgeway
Favors	Rhodes
Ferguson	Roark
Fitzgerald	Roberts
Fuchs	Sallas
Gandy	Senterfitt
Garland	Sharpe
Goodman	Simpson
Hanna	Smith of Bastrop
Hargis	Spacek
Harris of Hill	Stinson
Helpinstill	Stubbs
Henderson	Thornton
Hileman	Turner
Hobbs	Walters
Hoyo	Weatherford
Huddleston	Whitesides
Hutchinson	Winfree

## Nays—37

Alsup	Celaya
Bray	Clark
Bridgers	Coker
Brown	Files
Carlton	Gilmer

Halsey	Markle
Hardeman	Montgomery
Harris of Dallas	Morris
Heflin	Morse
Howington	Nicholson
Huffman	Parker
Hughes	Phillips
Humphrey	Skiles
Isaacks	Smith of Atascosa
Lansberry	Stanford
Leyendecker	Vale
Love	Voigt
Lyle	Wattner
McAlister	

## Present—Not Voting

Lehman

## Absent

Brawner	Kelly
Bundy	Kinard
Chambers	McDonald
Cleveland	Reed of Dallas
Deen	Shell
Dwyer	Spangler
Hartzog	

## Absent—Excused

Allen	Howard
Anderson	Little
Bell	Taylor
Donald	White

Mr. Favors then moved that House Bill No. 941 be withdrawn from the Committee on Appropriations and referred to the Committee of the Whole House.

The motion prevailed.

Mr. Favors moved that the House resolve itself into a Committee of the Whole House at 2:00 o'clock p. m. today for the purpose of considering House Bill No. 941.

Mr. Montgomery moved as a substitute motion that the House resolve itself into a Committee of the Whole House at 2:00 o'clock p. m. next Thursday for the purpose of considering House Bill No. 941.

On motion of Mr. Kersey the substitute motion by Mr. Montgomery was tabled.

Mr. Morris raised a point of order on further consideration of the motion by Mr. Favors at this time on the ground that the Rules provide that a public hearing shall be given all bills of a controversial nature and a forty-eight hour notice posted before same is heard.

Question: Shall the point of order be sustained?

(Mr. Reed of Dallas in the Chair.)

(Speaker in the Chair.)

ADDRESS BY HONORABLE  
LYNDON JOHNSON

(In Joint Session)

In accordance with the provisions of Senate Concurrent Resolution No. 36, adopted by the House and Senate for the purpose of hearing Honorable Lyndon Johnson at 11:30 o'clock a. m., today, the Honorable Senators, escorted by Hon. Bob Barker, Secretary of the Senate, were announced at the bar of the House and, being duly admitted, were escorted to seats prepared for them along the aisle.

Lieutenant Governor Coke R. Stevenson was escorted to a seat on the Speaker's stand.

Honorable Lyndon Johnson and party, escorted by Senators Brownlee, York, Kelley, Smith, Mauritz and Vick, Committee on the part of the Senate, and Messrs. Bruhl, Carrington, Stanford, Ellis, Cleveland, Smith of Bastrop, Hughes, Lansberry, Lehman, Fuchs, Skiles, Bullock and Winfree, Committee on the part of the House, were announced at the bar of the House and were escorted to seats on the Speaker's stand.

Lieutenant Governor Coke R. Stevenson called the Senate to order and stated that the two Houses were in Joint Session for the purpose of hearing Honorable Lyndon Johnson.

The Lieutenant Governor directed the clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Mauritz
Graves	Metcalfe
Hazlewood	Moffett

Moore	Sulak
Ramsey	Van Zandt
Shivers	Vick
Smith	Weinert
Stone	York

Absent—Excused

Martin	Winfield
Spears	

A quorum of the Senate was announced present.

Speaker Homer Leonard called the House to order and directed the Clerk to call the roll of the House.

The roll of the House was called and the following Members were present:

Mr. Speaker	Eubank
Allison	Evans
Alsup	Favors
Anderson	Ferguson
Avant	Files
Bailey	Fitzgerald
Baker	Fuchs
Bean	Gandy
Benton	Garland
Blankenship	Gilmer
Boone	Goodman
Brawner	Halsey
Bray	Hanna
Bridgers	Hardeman
Brown	Hargis
Bruhl	Harris of Dallas
Bullock	Harris of Hill
Bundy	Hartzog
Burkett	Heflin
Burnaman	Helpinstill
Carlton	Henderson
Carrington	Hileman
Cato	Hobbs
Celaya	Howington
Chambers	Hoyo
Clark	Huddleston
Cleveland	Huffman
Coker	Hughes
Colson, Mrs.	Humphrey
Connelly	Hutchinson
Craig	Isaacks
Crossley	Jones
Crothwait	Kelly
Daniel	Kennedy
Davis	Kersey
Deen	Kinard
Dickson of Bexar	King
Dickson of Nolan	Klingeman
Dove	Knight
Duckett	Lansberry
Dwyer	Lehman
Ellis	Leyendecker

Lock	Rampy
Love	Reed of Bowie
Lowry	Reed of Dallas
Lucas	Ridgeway
Lyle	Rhodes
McAlister	Roark
McCann	Roberts
McDonald	Sallas
McGlasson	Senterfitt
McLellan	Sharpe
McMurry	Shell
McNamara	Simpson
Manford	Skiles
Manning	Smith of Bastrop
Markle	Smith of Atascosa
Martin	Spacek
Matthews	Spangler
Mills	Stanford
Montgomery	Stinson
Moore	Stubbs
Morgan	Thornton
Morris	Turner
Morse	Vale
Murray	Voigt
Nicholson	Walters
Pace	Wattner
Parker	Weatherford
Pevehouse	Whitesides
Phillips	Winfree
Price	

Absent—Excused

Allen	Little
Bell	Taylor
Donald	White
Howard	

A quorum of the House was announced present.

Speaker Leonard presented Senator John Lee Smith of Throckmorton, who in turn presented Honorable Lyndon Johnson to the Joint Session and the assemblage.

Congressman Johnson then addressed the Joint Session and the assemblage as follows:

It Is Later Than We Think

Friends and Fellow Texans: I am honored that you have given me the privilege of speaking to you. This Capitol has been a part of my life. My father, Sam Johnson, served as a Member of this Legislature for many years, and my visits to the Capitol during that time were the thrill of my boyhood days.

As a Texan, I am proud of the history of Texas. As an American, I am proud of the part Texas has

played in the moulding of the history of our great country.

This year, the celebration of San Jacinto Day has a special significance for it finds the world again in the midst of a struggle for independence. Democracy is undergoing its most bitter attack, and our own fate is undeniably a part of the fate of the world.

When one speaks today of the future of democracy, he must do so with thoughtful confidence. Americans have been taught by their fathers and their fathers' fathers to believe in democratic principles. So thoroughly have we learned this, it is impossible for most Americans to conceive of an America not free.

One cannot separate the thought of the future of democracy from the continuity of our own country as we know it. An American is not born of a certain blood or ancestry. Throughout the history of our country, there has predominated a common belief in the rights of man. A belief so strong it has welded together into one Nation every nationality. This blending has not been a miracle. It is the inevitable result of men with common ideals finding a place where their ideals might have a chance to develop and to produce the Nation we all love.

Our responsibility is for the future of democracy. Our ancestors have built a democratic country. We ourselves have proved it can work, and that it is the most logical and happy way of living. Has this been done in vain? Have we created a democracy to perish after so short a life? We hear from all sides that democracy is threatened. It is difficult not to believe this when all over the world men are killing men, destruction is on the march, and democracy has perished where once before it was growing and thriving.

I say we have not worked in vain, that democracy must not perish from the earth.

America has never before had such an opportunity to point to its own way of life as an example for the rest of the world. I believe the time is approaching for the birth of a democratic world—a world with common ideals—a world without barriers.

To achieve this there is work to be done. We will do it, for we are a Nation of workers. There will be times when confusion between our different interests within our borders will seem insurmountable. We have so-called capital, we have labor, the farmer, the business man—each with his problems. Each of us has his individual life he does not wish disturbed. All of these things are a part of a democratic government. All are minorities which go together to make a whole, and what the whole demands, the parts must concede.

We are the children of a generation of men and women who worked, fought and sacrificed for liberty, for freedom. We will do the same. We must work without consideration for individual gain at the moment, knowing, that as a reward for our labor, we and our children, and all of the people of the world, will have a better life for centuries to come.

Nazi and Fascist principles have temporarily taken Europe and are spreading into the Balkans, Africa, Asia and the Far East. Why? Because—and let's face the facts—European democracy fell down on the job. Dictatorships are the consequence of the failure of democracy.

European democracies between 1930 and '39 turned out some of the prettiest statements the world has ever heard. Free government became flowers and flappedoodle outside, but chaos within. With parties and cliques sacrificing national strength to gain minority advantage, governments were falling to pieces under their own noses, but the people didn't know it. France couldn't make up her mind. England clung to an outworn system. The little fellows watched the big fellows and followed suit to disaster upon disaster.

All the while crafty dictatorships were making plenty of hay, by unifying themselves from within. True, they accomplished unity with the sword, the torture-chamber and the concentration camp. But the point is: they did it! Unemployment, economic and social bellyache, kept European democracy in bed for years, an ice-pack on its head and a roaring hangover for company, but totalitarian states didn't go to



bed. They weren't even sick. They confiscated all business, industry and labor and with every mother's son at work, they converted their resources, and everything else they could lay their hands on, into a war machine. They permitted no unemployment. They tolerated no complaints from capital. They stifled any protests from labor. They made their farmers put up and shut up.

We Americans don't like that sort of government. We wouldn't tolerate it. But, that is the kind of government, that is the idea, the remaining democracies in the world must fight. If they refuse to fight that idea, and insist upon old-time remedies for new-time upheavals, the results may well be disastrous.

Certainly I am no defeatist. I just like to know the size of the fellow I have to whip, where he came from, what he thinks about, and how he slugs.

Well, what are we doing about it?

To begin with, one million, two hundred thousand American boys are undergoing army training. By mid-summer this number will be a million and a half. On the sea and in the air, our naval forces number two hundred and thirty thousand men.

We must produce for them—rapidly and without delay—planes and tanks, battleships and bombers—better than any forces in the world possess. Not just as good, but much better.

Thousands of empty Texas acres are being used to train soldiers for our army and pilots to control the air above us. Within the last year, in addition to our army-consciousness, I have tried to make Texas navy-conscious. On the Gulf Coast millions are being spent for new shipyards. In Dallas a new naval reserve station is on the way. At Corpus Christi, the greatest naval flight training base in America is today actually training pilots.

Here in our own University of Texas which we all love, instead of being a factory grinding out Communist comrades, we have a plant training one hundred red-blooded Texas boys to command navy ships on the water and in the air in our last stand for principles just as precious—just as dear as Houston and

this two hundred fought for at San Jacinto.

Over yonder this year, the Aggies of A. & M. are polishing off six hundred and fifteen of the cream of our boyhood crop from every section of the State—from the Plains to the Gulf they have come and under matchless leaders have prepared themselves as officers equipped to direct our armies in defending our soil. Our church schools, our teachers colleges—all are doing their part. To the Chief Executive and to you Members of the House and Senate who wisely have provided for this training program, the Nation owes a debt.

We have all the resources, we have all the man-power, wealth, and education necessary to make our position impregnable if we forget personal gain and remember national safety.

The riflemen at San Jacinto didn't have much. They possessed scanty and inadequate supplies. They were few in numbers. They won because they used what they had of men and supplies a full thousand per cent.

When we lose a minute, wrangling among ourselves, in disputes about who is going to do what, who is going to get what, we lose something all the gold at Fort Knox can't buy back. With every second wasted, we rush one step nearer the universal disaster.

If American democracy is to survive it can't do it on conversation. It can't survive on the glories of the past. No! If American democracy endures it will be because Americans want it to. Because they want it to so much they will offer their "blood and sweat and tears" to make it survive. Winston Churchill never spoke more magnificent words than these: "I bring you blood and sweat and tears."

At first, the British Government did a lot of playing to the galleries but when it went on a twenty-four-hour schedule, applied its blood and sweat and tears, then it stemmed the tide a little. When democratic statesmen forgot what was best from their standpoint and considered what was best for democracy, men all over the world took hope. The boys at San Jacinto won in blood and sweat

and tears. They talked and thought in rough, practical terms, not in gardenias. They wanted to survive, and so must we—to the point of personal sacrifice.

I have been the friend of business and industry and a champion of our American system. But today, we must say to American Capital: We know your prerogatives and have battled to protect them. Still there are privileges superior to yours and above those of any other minority in America. Your Government must call on you and you must respond if you treasure your precious advantages.

I am a friend of the American laboring man and in his behalf I have a written record. But to labor, organized or unorganized, I want to say this: We know your principles, we cherish and have fought for them. Still, there are interests superior to yours. Those of your American Government. When you vote to strike you must think not only of your gains but of your duty to all of your fellow men. You must think of the threat your Government faces—what it needs in this hour to save you and your precious privileges. If there be subversive influences anywhere around you, deal with them as Texans deal with snakes.

The security of the country is above that of any single group—labor, capital, the farmer, what have you? When, in the scramble to save yourselves, individually, all you minorities become willing to sacrifice the whole people for yourselves, you will jump through the trap of your own gallows.

We cannot be free men and, at the same time, disorganized, bullheaded, obstinate, selfish men.

Capital, labor and the farmer must not make war among themselves. They must solve their differences with conferences—not tear gas and clubs. They tried fighting in France. Today, France is in chains. They tried it in England. England has almost lost her life. They tried it in other democracies and they are no longer on the map. Can we not profit by Europe's experiences?

Since we started spending billions of defense dollars, we have run into

bottlenecks. A strike here has chopped a few days from plane production. A capitalist yonder struck on orders for British planes. The wrong on both sides has cost us more than we can afford.

The day any man, or any minority, poses as superior to America under the Constitution, that day the man or minority becomes your enemy and my enemy. The Constitution, which confers privileges, also imposes duties and obligations. Again, the units must rally to save the whole.

I regret I cannot tell you that we have done a perfect job. I cannot. We have been slow and have lost time. We have stopped to bicker among ourselves and to wrangle. We have thought too much of our own security and clique security when we ought to have been thinking of national security.

Listen: From 1933 to 1939, Germany spent ninety billion dollars getting ready for this war. America spent nine. In 1939, Germany invested another thirty-six billion dollars. America scraped up less than two billions. In 1940 and again in '41 Germany invested another sixty billion dollars. In 1940 we set up six billion dollars and only doubled it in '41. The score: Germany, 230 billion dollars. America, 30 billion. Germany's 230 billions are in materials on the field. Some of America's paltry 30 billions is still on paper and on order.

Do you still think we have time to loaf, to argue, to waste time? No! It is later than we think.

For eight years, under President Roosevelt, our Government, returning democracy to the people, has been building us from within. We have relieved the distress of our unemployed millions, sustained their health, morale and skills. We have educated and trained our boys and girls through the NYA and the CCC. We have refinanced the debts on our homes and farms and brought interest rates down within the ability to pay. We have made real headway clearing our city and rural slums; we have made home ownership possible for the little fellow. We have conserved our natural resources, stopped the onrush of floods and made waste waters gen-

erate electric power we need now for our farm homes and national defense. We have given our laborers jobs, supported business and industry in the construction of great public works. We have awakened to the farmer's many problems and made conscientious efforts to assist him back to a decent American living standard.

With such a foundation we surely cannot be hopeless, even though we may find the road rough in spots.

Americans by voluntary methods can and will accomplish what the dictatorships have done with the lash.

Nothing so challenges the American spirit as tackling the biggest job on earth. That is what this is. Every American will become a statesman in such an emergency. He must avoid satisfaction with himself, for in satisfaction lies deterioration. Americans are stimulated by the big job—the Panama Canal, Boulder Dam, Grand Coulee, the Lower Colorado River developments, the tallest building in the world, the mightiest battleship. So fortification of the greatest democracy makes all other projects seem trivial.

First we must all get to work. Second, we must all work longer and harder, no matter what our job may be. We must ferret out new ideas, create new processes, willingly drive last year's models—cheerfully tell manufacturers that American mothers want planes for their boys instead of pans for their kitchens.

We have the draft which takes the cream of our crop for the Army and Navy. It puts these young men into uniform, to defend us. We have laws permitting us to draft factories. Public opinion sets standards which capital, labor and agriculture must meet, yet, we are still plowing along under the one-horse dollar-a-year-man system. Many of the men in Washington now directing our defense are men who try to work for their companies three days a week and their Government the other three. Frequently they get their jobs mixed.

Why not immediately take a census of management in this country? The results will reveal where the executive brains and the executive

leadership of America are located. With plenty of men already in the ranks of production and the materials for them to use—we still find the Government short on big management generals. We must have them, too, even if they must give up fifty thousand dollars a year for five thousand a year salaries. Why not draft executive management brains to prepare and produce the equipment the 21-dollar-a-month draftee must use and forget this dollar-a-year tommyrot? Would we send an army into the field under a dollar-a-year general who had to be home Mondays, Wednesdays and Fridays? To ask that is to answer it?

America and the world are blessed today in that destiny has given us a great and mature man to lead us. President Roosevelt is a leader whose judgment has been found both wise and just. We can trust and follow him for he embodies the spirit of love for fellow man in which democracy was born and with which it will carry forward to the future when peace comes after this trial is past. His is a difficult, a tremendous job. He does it with joy, in the knowledge that, working for the whole, the individual finds his own compensation.

I am proud that I enlisted in the cause and have worked with him since 1932. As a candidate for Congress there were no doubts about where I stood on the Roosevelt program. As a Member I have kept the faith, and as we approach the dark days ahead, I want my people to know I will devote to the future the same willingness to fight in the trenches as has characterized my actions in the past. I pledge you fear of political consequences will not silence me and the lure of national spotlight will not entice me. In these critical hours Americans must support—not snipe at—our President.

I believe in America, in democracy, and in our Government from the President down to the lowliest servant of it. I believe in this Legislature and the Representatives of the State of Texas which our people have chosen to serve them. I believe also that in the soul of man lies the power to control the future, whether that soul be called in modern terms English, German, Italian,

French or Greek. I believe that all men in all places have a common idea which will rise when its bonds are stricken away. They all want to be free.

Even though there may be trying months to come, saddened perhaps by sorrow and sacrifice and tears, my hope and belief is that the same undying courage, the same love of freedom the same unconquerable spirit which raised the flag of independence over Texas, one day will raise it over a democratic world.

(On motion of Mr. Hughes, the address of Honorable Lyndon Johnson was ordered printed in the Journal.)

#### SENATE RETIRES

At the conclusion of the address the Senate, at 12:00 o'clock m., retired to its Chamber.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 21, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 5, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years, beginning with the taxable year 1942, one-half of the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated; etc.; and declaring an emergency."

S. B. No. 423, a bill to be entitled "An Act making an appropriation for the support and maintenance of the executive and administration departments and agencies of the State government."

S. B. No. 204, A bill to be entitled "An Act making it unlawful to kill wild turkey in certain counties; etc."

Respectfully,

**BOB BARKER,**

Secretary of the Senate.

#### RELATIVE TO HOUSE BILL NO. 372

On motion of Mr. Morris and by unanimous consent of the House the

caption of House Bill No. 372 was ordered amended to conform to all changes and with the body of the bill.

Mr. Kersey moved that the House recess until 2:00 o'clock p. m. today.

Mr. McAlister moved that the House adjourn until 10:00 o'clock a. m. tomorrow, to commemorate the 105th anniversary of the Battle of San Jacinto.

Question first recurring on the motion to adjourn, it was lost.

Mr. Isaacks moved to suspend the Rules for the purpose of making a motion to reconsider the vote by which the motion to adjourn was lost.

The motion to suspend the Rules was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—84

Allison	Huffman
Alsup	Hughes
Anderson	Humphrey
Avant	Hutchinson
Bean	Isaacks
Benton	Jones
Brawner	Kelly
Bray	Kinard
Bridgers	Klingeman
Brown	Lansberry
Bundy	Lehman
Burnaman	Love
Carlton	McAlister
Cato	McMurry
Celaya	McNamara
Chambers	Manford
Clark	Manning
Crosthwait	Markle
Daniel	Martin
Dickson of Nolan	Montgomery
Eubank	Moore
Evans	Morgan
Ferguson	Morris
Fuchs	Morse
Gandy	Nicholson
Gilmer	Pace
Halsey	Parker
Hardeman	Pevehouse
Harris of Dallas	Phillips
Hartzog	Reed of Dallas
Heflin	Ridgeway
Henderson	Rhodes
Howington	Roark
Hoyo	Roberts

Sallas	Stanford
Senterfitt	Stinson
Sharpe	Stubbs
Shell	Vale
Skiles	Voigt
Smith of Atascosa	Walters
Spacek	Wattner
Spangler	Weatherford

## Nays—53

Bailey	Helpinstill
Baker	Hileman
Blankenship	Hobbs
Boone	Huddleston
Bruhl	Kennedy
Bullock	Kersey
Burkett	King
Cleveland	Knight
Coker	Lock
Colson, Mrs.	Lowry
Connelly	Lucas
Craig	McCann
Crossley	McDonald
Davis	McGlasson
Deen	McLellan
Dickson of Bexar	Matthews
Dove	Mills
Duckett	Murray
Dwyer	Price
Ellis	Rampy
Favors	Reed of Bowie
Fitzgerald	Simpson
Garland	Smith of Bastrop
Goodman	Thornton
Hanna	Turner
Hargis	Whitesides
Harris of Hill	

## Absent

Carrington	Lyle
Files	Winfree
Leyendecker	

## Absent—Excused

Allen	Little
Bell	Taylor
Donald	White
Howard	

Question then recurring on the motion to recess until 2:00 o'clock p. m. today. Yeas and nays were demanded.

The motion to recess was lost by the following vote:

## Yeas—65

Allison	Boone
Bailey	Bray
Baker	Bruhl
Blankenship	Bullock

Burkett	Huddleston
Carrington	Hutchinson
Chambers	Kennedy
Cleveland	Kersey
Coker	King
Colson, Mrs.	Knight
Connelly	Lock
Craig	Lowry
Crossley	Lucas
Daniel	McCann
Davis	McDonald
Deen	McLellan
Dickson of Bexar	McMurry
Dove	Manning
Duckett	Matthews
Dwyer	Mills
Ellis	Moore
Eubank	Morgan
Evans	Price
Favors	Rampy
Fitzgerald	Reed of Bowie
Garland	Reed of Dallas
Goodman	Senterfitt
Hanna	Simpson
Hargis	Smith of Bastrop
Harris of Hill	Spacek
Helpinstill	Thornton
Hileman	Whitesides
Hobbs	

## Nays—72

Alsup	Jones
Anderson	Kelly
Avant	Kinard
Bean	Klingeman
Benton	Lansberry
Brawner	Lehman
Bridgers	Love
Brown	McAlister
Burnaman	McGlasson
Carlton	McNamara
Cato	Manford
Celaya	Markle
Clark	Martin
Crosthwait	Montgomery
Dickson of Nolan	Morris
Ferguson	Morse
Files	Nicholson
Fuchs	Pace
Gandy	Parker
Gilmer	Pevehouse
Halsey	Phillips
Hardeman	Ridgeway
Harris of Dallas	Rhodes
Hartzog	Roark
Heflin	Roberts
Henderson	Sallas
Howington	Sharpe
Hoyo	Shell
Hughes	Skiles
Humphrey	Smith of Atascosa
Isaacks	Spangler
	Stanford

Stinson	Walters
Stubbs	Wattner
Turner	Weatherford
Vale	Winfree
Voigt	

**Absent**

Bundy	Lyle
Huffman	Murray
Leyendecker	

**Absent—Excused**

Allen	Little
Bell	Taylor
Donald	White
Howard	

**SENATE BILLS ON FIRST  
READING**

The following Senate bills received from the Senate today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 5, to the Committee on State Affairs.

S. B. No. 423, to the Committee on Appropriations.

S. B. No. 204, to the Committee on Game and Fisheries.

**RELATIVE TO HOUSE  
BILL NO. 405**

Mr. Bruhl moved that the House reconsider the vote by which the House heretofore concurred in Senate amendments to House Bill No. 405.

The motion to reconsider prevailed.

Question: Shall the House concur in Senate amendments to House Bill No. 405?

Mr. Bruhl withdrew the motion that the House concur in Senate amendments to House Bill No. 405.

Mr. Bruhl then moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following conference committee on House Bill No. 405:

Messrs. Bruhl, Phillips, Senterfitt, McLellan and Duckett.

Mr. Eubank asked unanimous consent of the House that certain remarks of Mr. Isaacks be printed in the Journal.

There was objection offered.

**BILLS AND RESOLUTIONS  
SIGNED BY THE  
SPEAKER**

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills and resolutions:

S. C. R. No. 39, In memory of Judge George E. Christian.

S. C. R. No. 36, Inviting the Honorable Lyndon Johnson to address the Legislature.

H. C. R. No. 84, To grant James I. Morgan permission to sue the State.

H. C. R. No. 64, To grant J. H. Ferrel permission to sue the State.

H. C. R. No. 59, Relative to burial insurance policies for old-age assistance recipients.

H. B. No. 286, "An Act to protect and preserve the political right and freedom, right and status of any and all persons employed, on/or to be on leave of absence, or in military service of the United States, by any person, firm, corporation or association of persons, by regulating in certain particulars the rights and relationships between such employers and employees with respect to political affairs, reinstatement and/or reemployment in former position with employer, defining the term "Employer of Labor"; providing fines and penalties for the violation of this Act; and repealing all laws or parts of laws in conflict herewith, making a separability provision, and declaring an emergency."

H. B. No. 78, "An Act to provide for agreements between the Commissioners' Court of any county in this State, for and on behalf of the county and political subdivisions thereof, and the United States, relative to resettlement of rural rehabilitation projects, and providing for the payment by the United States

to the county of sums in lieu of taxes; etc."

H. B. No. 529, "A Act fixing the compensation of County Commissioners in all counties with a population of not less than twenty thousand, three hundred (20,300) nor more than twenty thousand, four hundred and sixty (20,460) inhabitants, according to the last available Federal Census as same now exists or may hereafter exist; etc., and declaring an emergency."

H. B. No. 489, "An Act providing that in counties having a population of not less than Thirty-one Thousand, Five Hundred (31,500), and not more than Thirty-two Thousand (32,000), according to the last preceding Federal Census, the provisions of Article 6869, Revised Civil Statutes of Texas, of 1925, as amended, insofar as such limits the number of deputies allowable to sheriffs shall not apply, but the sheriff in any such county shall have the number of deputies allowed him by the Commissioners' Court of such county, and declaring an emergency."

H. B. No. 759, "An Act fixing the compensation of Tax Assessor-Collector in all counties having a population of more than Seventy Thousand (70,000) and not more than Eighty Thousand (80,000) according to the last preceding Federal Census, and with an assessed valuation of more than Forty Million (\$40,000,000.00) Dollars; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 110, "An Act to create and dedicate a State Park in the County of Cherokee, two (2) miles Northeast of the Town of Rusk, to include the homestead of General Joseph L. Hogg, the birthplace of Governor James Stephen Hogg, such as now owned by the descendants of James Stephen Hogg and the Town of Rusk and such adjacent land as may be acquired by the State Parks Board by donation as a part of the park to be established, said park to be known as the Jim Hogg Memorial Park; providing for commissioners to serve without pay; and providing an appropriation; and declaring an emergency."

H. B. No. 398, "An Act to amend Article 1107, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Act of the 42nd Legislature, Chapter 250, page 417, adding Section 6, providing that a city or town shall have the right of eminent domain to condemn private property for the purpose of digging or drilling thereon water wells or producing water therefrom or constructing pump stations or reservoirs; and providing that if any portion of the Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

H. B. No. 749, "An Act to amend Section 1 of Article 4032a of the Penal Code of the State of Texas, the same being Chapter 227, Section 1, Page 381, Acts of the Forty-second Legislature, so as to provide means by which the soldiers stationed in Texas under the National Defense Act, and others may be permitted to enjoy fishing in salt water without the payment of nonresident fishing license and artificial lure license; and declaring an emergency."

H. B. No. 631, "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, Regular Session, as amended in House Bill No. 30, 'Title: Stock Laws,' Chapter 1, Acts of the Forty-sixth Legislature, Regular Session, making Clay County eligible to the provisions of this Act; and declaring an emergency."

S. B. No. 433, "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for the use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands; etc.; and declaring an emergency."

#### HOUSE BILL ON FIRST READING

Mr. Celaya asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 944.

There was no objection.

The Speaker then laid the bill before the House, it was read first time

and referred to the appropriate committee, as follows:

By Mr. Celaya:

H. B. No. 944, A bill to be entitled "An Act providing that any Water Improvement District heretofore organized under the provisions of Section 52 of Article 3 of the State Constitution which has heretofore been or which may hereafter be converted into a Water Control and Improvement District may be and become again converted into a Water Improvement District, setting out the manner and method of such conversion; and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

#### RECESS

Mr. Kersey moved that the House recess until 10:00 o'clock a. m., tomorrow in observance of San Jacinto Day.

Mr. Isaacks moved that the House adjourn until 10:00 o'clock a. m. tomorrow, to commemorate the 105th Anniversary of the Battle of San Jacinto.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—57

Alsup	Henderson
Anderson	Howington
Avant	Huffman
Bean	Hughes
Benton	Humphrey
Brawner	Isaacks
Bridgers	Jones
Brown	Kelly
Carlton	Kinard
Celaya	Lansberry
Clark	Lehman
Crosthwait	Love
Daniel	Lyle
Ferguson	McAlister
Files	McNamara
Gilmer	Manford
Halsey	Markle
Hardeman	Morris
Harris of Dallas	Morse
Hartzog	Nicholson
Heflin	Parker

Phillips  
Reed of Dallas  
Rhodes  
Roberts  
Sallas  
Senterfitt  
Shell  
Skiles

Smith of Atascosa  
Spangler  
Stanford  
Stinson  
Vale  
Wattner  
Weatherford

#### Nays—80

Allison  
Bailey  
Baker  
Blankenship  
Boone  
Bray  
Bruhl  
Bullock  
Bundy  
Burkett  
Burnaman  
Carrington  
Cato  
Chambers  
Cleveland  
Coker  
Colson, Mrs.  
Connelly  
Craig  
Crossley  
Davis  
Deen  
Dickson of Bexar  
Dickson of Nolan  
Dove  
Duckett  
Dwyer  
Ellis  
Eubank  
Evans  
Favors  
Fitzgerald  
Gandy  
Garland  
Goodman  
Hanna  
Hargis  
Harris of Hill  
Helpinstill  
Hileman

Hobbs  
Hoyo  
Huddleston  
Hutchinson  
Kennedy  
Kersey  
King  
Klingeman  
Knight  
Lock  
Lowry  
Lucas  
McCann  
McDonald  
McGlasson  
McLellan  
McMurry  
Manning  
Martin  
Matthews  
Mills  
Montgomery  
Moore  
Morgan  
Murray  
Pace  
Pevehouse  
Price  
Rampy  
Reed of Bowie  
Ridgeway  
Roark  
Sharpe  
Simpson  
Smith of Bastrop  
Spacek  
Stubbs  
Thornton  
Turner  
Walters  
Whitesides

#### Absent

Fuchs  
Leyendecker

Voigt  
Winfree

#### Absent—Excused

Allen  
Bell  
Donald  
Howard

Little  
Taylor  
White



Question then recurring on the motion to recess until 10:00 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—90

Allison	Kinard
Anderson	King
Avant	Klingeman
Bean	Love
Benton	Lyle
Brawner	McAlister
Bridgers	McCann
Brown	McLellan
Bullock	McMurry
Burkett	McNamara
Burnaman	Manford
Carlton	Manning
Cato	Markle
Clark	Martin
Craig	Montgomery
Crosthwait	Moore
Daniel	Morgan
Dickson of Nolan	Morris
Dove	Morse
Duckett	Nicholson
Dwyer	Pace
Evans	Pevehouse
Ferguson	Phillips
Files	Price
Fuchs	Reed of Dallas
Gandy	Ridgeway
Garland	Rhodes
Gilmer	Roark
Goodman	Roberts
Hardeman	Sallas
Harris of Dallas	Senterfitt
Hartzog	Sharpe
Heflin	Shell
Helpinstill	Simpson
Henderson	Skiles
Hobbs	Smith of Atascosa
Howington	Spangler
Hoyo	Stanford
Huddleston	Stinson
Hughes	Voigt
Humphrey	Walters
Hutchinson	Wattner
Isaacks	Weatherford
Jones	Whitesides
Kersey	Winfree

## Nays—46

Alsup	Bundy
Bailey	Carrington
Baker	Celaya
Blankenship	Chambers
Bray	Cleveland
Bruhl	Coker

Colson, Mrs.	Lansberry
Connelly	Lehman
Crossley	Lock
Davis	Lowry
Deen	Lucas
Dickson of Bexar	McDonald
Ellis	McGlasson
Eubank	Matthews
Favors	Mills
Fitzgerald	Murray
Halsey	Parker
Hanna	Reed of Bowie
Harris of Hill	Spacek
Hileman	Stubbs
Huffman	Thornton
Kennedy	Turner
Knight	Vale

## Absent

Boone	Leyendecker
Hargis	Rampy
Kelly	Smith of Bastrop

## Absent—Excused

Allen	Little
Bell	Taylor
Donald	White
Howard	

The House accordingly, at 12:40 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORT

The Committee on Appropriations filed a favorable report on S. B. No. 423.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 372, A bill to be entitled "An Act relating to the payment of the prevailing rate of wages on public works; defining certain terms as used in this Act; providing the general rate of wages shall be paid; providing for predetermination of the prevailing rate of wages; requiring a public body to pay the prevailing rate of wages on any works constructed, repaired or improved by

its own forces; providing that contractors shall be required to pay the stipulated wage schedule; requiring records to be kept; making certain exceptions; providing a penalty; repealing Chapter 45 of the Acts of the 43rd Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 18, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 22, A bill to be entitled "An Act making an appropriation for use and benefit of the Lower Neches Valley Authority; designating who may sign warrants; providing for repayment to the State; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 78, "An Act to provide for agreements between the Commissioners Court of any county in this State, for and on behalf of the county and political subdivisions thereof, and the United States, relative to resettlement or rural rehabilitation projects, and providing for the payment by the United States to the county of sums in lieu of taxes; defining the duties of the County Treasurer pertaining to such agreement and to the apportionment of payments from the United States thereunder; providing for contents of agreements and for notification of interested political subdivision; providing acceptance of funds hereunder by a political subdivision shall be construed as approval of agreements; making provision for making request by political subdivisions under certain conditions; prescribing the

method of determining the sums of money to be paid by the United States in lieu of taxes; providing for the depositing of moneys received from the United States; providing nothing in the Act shall be construed to relieve any political subdivision of the duty of furnishing all services usually furnished; defining terms; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 80, "An Act providing for the employment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; prescribing the qualifications and duties of said supervisors and defining their powers; providing the compensation to be paid to such supervisors and the method of paying same; providing the County Board of School Trustees shall have the power to discontinue the office of such supervisors whenever advisable; providing that in compliance with this Act in any of the counties affected hereby shall exempt the county superintendent from holding a Teachers Institute, and shall exempt the teachers from attending Teachers Institute, as now required by Article 2691, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 110, "An Act to create and dedicate a State Park in the County of Cherokee, two (2) miles

northeast of the Town of Rusk, to include the homestead of General Joseph L. Hogg, the birthplace of Governor James Stephen Hogg, such as now owned by the descendants of James Stephen Hogg and the Town of Rusk and such adjacent land as may be acquired by the State Parks Board by donation as a part of the park to be established, said park to be known as the Jim Hogg Memorial Park; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 205, "An Act to amend subject matter embraced in Section 25, Section 21, Section 32, Section 36, Section 57, and Section 63 of House Bill No. 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939; clarifying the Legislative intent of the Act whereby liens created only on tires, radios, and other automobile parts or accessories are not affected by the Act; defining the term 'department'; providing a method and manner of issuing receipts and certificates of title, also issuing them when liens are disclosed thereon; prescribing the means and conditions for the issuance of certified copies of certificates of title; and requiring payment of fees; making certain provisions with reference to moneys collected under this Act; repealing Article 1434, Chapter 8, Title 17, Penal Code of Texas, 1925, as amended by Chapter 77 of the First Called Session of the Fortieth Legislature, and as amended by Chapter 29 of the Forty-second Legislature, Regular Session, 1931, in so far as it requires the delivery of bills of sale on motor vehicles to the transferee when the same are sold or transferred, and Article 1435, Chapter 8, Title 17, Penal Code of Texas, 1925, as amended by Chapter 29 of the Forty-second Legislature, 1931, eliminating the requirement of the filing of bills of sale on motor vehicles, and repealing Article 5940,

Revised Civil Statutes of Texas, 1925, Acts of the Thirty-ninth Legislature, in so far only as such Article affects the filing and recording of liens on motor vehicles, and for the repeal of all laws and parts of laws in conflict with said Act, and by adding new sections to be known as Section 1a, Section 24a, and Section 32a, specifically excluding the provisions of House Bill No. 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, and as by this Act amended, from affecting the filing of liens created only upon tires, radios, heaters, and automobile accessories; providing for the transfer of the Certificate of Title Section of the Department of Public Safety of the State of Texas to the Highway Department of the State of Texas; limiting the use of copies of receipts and certificates of title marked 'Duplicate Original'; repealing all laws in conflict to the extent of the conflict only; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 235, "An Act amending Section 6 of Senate Bill No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisition of the Commissioner of the General Land Office; transferring any sum remaining to the Permanent School Fund; providing that the amount accruing to the State of Texas for the sale of land under said Act shall be placed to the credit of the Permanent School Fund; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 286, "An Act requiring employers to protect the contractual and/or seniority rights of employees entering military service, or seeking, or appointed to, or elected to public office; defining 'Employer of Labor'; providing penalties for the violation of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 288, "An Act authorizing the judge of the County Court at Law of any county having a County Court at Law to appoint an official interpreter for the County Court at Law in such county; authorizing the County Commissioners to provide for the salary of said official interpreter and to prescribe his duties; providing for the oath of such interpreter; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 295, "An Act amending Section 19, Subsection h of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as Subsection h of Section 19 of Article 3912e, and all amendments to such Act by adding thereto Subsection h-3, affecting the appointment and salaries of deputies in the offices of District Clerks in all counties of two hundred and ninety thousand (290,000) inhabitants and over, and less than three hundred and ninety thousand (390,000) inhabitants, according to

the last preceding Federal Census; providing for the method of such appointments and salaries in such counties by the filing of an application with the County Judges of such counties; providing for the order of the Commissioners Courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to be taken by such deputies; providing for the method of discharge or removal of such deputies, and for the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 359, "An Act to amend Article 392, Revised Civil Statutes of Texas of 1925, as amended by Acts, 1937, Forty-fifth Legislature, page 1296, Chapter 482, Section 1; providing that loans insured by the Federal Housing Administrator may be made available to the public affected thereby; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 371, "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the pay-

ment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized shall be issued or executed after the expiration or executed after the expiration of two (2) years from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating Acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and providing further for the issuance of revenue bonds by independent school districts and cities which have assumed the control of the public schools situated therein, for the purpose of building additions to existing gymnasias, stadia, and other recreational facilities owned by the same, and purchasing additional buildings and grounds for the purpose of constructing additions to existing gymnasias, stadia, and other recreational facilities; providing that any bonds issued shall be payable from the net revenues of the projects after payment of the operating and maintenance charges; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 398, "An Act to amend Article 1107, Title 28 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Acts of the Forty-second Legislature, Chapter 250, page 417, adding Section 6, providing that a city or town shall have the right of eminent domain to condemn private property for the purpose of digging or drilling thereon water wells or producing water therefrom or constructing pump stations or reservoirs; and providing that if any portion of the Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 434, "An Act relating to marks and brands of live stock in Austin and Colorado Counties only; requiring that in each of said counties each owner of any live stock mentioned in Chapter 1, of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand of such stock recorded at the office of the County Clerk of his home county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said counties; and further providing that the County Clerk of each of said Counties shall publish this Act in some newspaper in general circulation in his home County

for a period of thirty (30) days; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 489, "An Act providing that in counties having a population of not less than thirty-one thousand, five hundred (31,500) and not more than thirty-two thousand (32,000), according to the last preceding Federal Census, the provisions of Article 6869, Revised Civil Statutes of Texas, of 1925, as amended, in so far as such limits the number of deputies allowable to sheriffs shall not apply, but the sheriff in any such county shall have the number of deputies allowed him by the Commissioners Court of such county; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 529, "An Act fixing the compensation of County Commissioners in all counties with a population of not less than twenty thousand, three hundred (20,300) nor more than twenty thousand, four hundred and sixty (20,460) inhabitants, according to the last available Federal Census as same now exists or may hereafter exist, and in counties with a population of not less than twenty-two thousand, five hundred (22,500) nor more than twenty-three thousand, three hundred (23,300) inhabitants, according to the last available Federal Census as same now exists or may hereafter exist; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 631, "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, Regular Session, as amended in House Bill No. 30, 'Title: Stock Laws,' Chapter 1, Acts of the Forty-sixth Legislature, Regular Session, making Clay County eligible to the provisions of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 749, "An Act to amend Section 1, House Bill No. 320, Chapter 268, page 396, Acts of the Regular Session of the Fortieth Legislature, as amended by Section 1, House Bill No. 836, Chapter 227, page 381, Acts of the Forty-second Legislature, so as to provide means by which the soldiers stationed in Texas under the National Defense Act, and others may be permitted to enjoy fishing in salt water without the payment of non-resident fishing license and artificial lure license; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 759, "An Act fixing the compensation of Tax Assessor-Collector in all counties having a population of more than seventy thousand (70,000) and not more than eighty thousand (80,000) according to the last preceding Federal Census, or any future Federal Census, and with an assessed valuation of more than Forty Million Dollars (\$40,000,000); repealing all laws or parts of laws

in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 804, "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts; making refunding bonds joint obligation; providing for contract between entities setting forth respective obligations; providing for refunding of maturing interest coupons; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 855, "An Act providing (1) an open season for quail in Henderson County from December 1 in one year to January 16 in the following year, both days inclusive; (2) that it shall be lawful to kill quail in Henderson County on Monday, Wednesday and Friday of each week, after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week; that twelve (12) quail shall be the limit which any one person may kill in any one day during this period; (3) that quail may be hunted and killed in Henderson County only on Sundays and Wednesdays during the period from December 1 of one year to January 16th of the following year, both

days inclusive; (4) that it shall be unlawful to take, kill, or attempt to take or kill any quail in Henderson County; providing that no section of this Act shall be effective in Henderson County unless and until the qualified voters of the county, by a majority vote at an election held for such purposes, shall have voted therefor; providing that only one section of this Act shall be submitted at any one time for ratification; providing the manner of calling and holding such election; providing for the posting of returns of such election, describing the length of time which must intervene before a second election may be held on the same matter; providing that the cost of such election shall be borne by the petitioners asking for such election; describing violations of this Act and prescribing penalties therefor; limiting the effect of this Act to Henderson County, and repealing all laws or parts of laws in conflict herewith, in so far as they apply to Henderson County; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 84, Granting James ("Jim") I. Morgan permission to bring suit against the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 68, Granting Dr. J. R. Nichols and wife permission to sue the State.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 67, Granting permission to J. L. Kelley and wife to bring suit against the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 64, Granting J. H. Ferrel, Trustee, permission to make the State of Texas a party defendant in a suit to foreclose vendor's lien against a certain lot in Abilene.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 59, Providing for a monthly allowance in the grants given to old age assistance recipients for the specific purpose of paying for burial insurance policies.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

## FIFTY-EIGHTH DAY

(Continued)

(Tuesday, April 22, 1941)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Leonard.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, humbly we thank Thee for Thy blessings that come to us hour by hour. We thank Thee for our immunity from the desperate ills that have befallen so many. We

thank Thee for our duties and the pleasant associations of this time and place. And if our work shall please Thee and bless our people, we will give Thee the praise and the honor, in Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

Mr. Kinard was granted leave of absence for today on account of important business, on motion of Mr. Montgomery.

Mr. Manford was granted temporary leave of absence for today on account of illness, on motion of Mr. Matthews.

## HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Crossley and Mr. Burkett:

H. B. No. 945, A bill to be entitled "An Act making provision for a District Attorney for the 91st Judicial District of Texas, and an Assistant District Attorney and stenographer in said district, and providing that the district attorney for the 91st Judicial District shall perform the duties of district attorney for the 88th Judicial District of Texas in addition to the duties of district attorney for the 91st Judicial District of Texas without additional compensation therefor; providing that said district attorney shall represent the State in all cases in all courts in said 91st Judicial District; providing that said district attorney shall receive as compensation an amount of money annually, payable in twelve equal installments, of not less than the total sum earned as compensation by the person performing the duties of the office of Criminal District Attorney in said district during the year 1935, said salary to be paid out of the County Officer's Salary Fund of Eastland County, but the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such officer as all felony fees collected by the person performing the duties of the office of Criminal District Attorney in